

REMARKS

This is a full and timely response to the non-final Office Action mailed December 29, 2004. By this response, Applicant has cancelled claim 41 without prejudice or disclaimer and has amended claims 1, 16, 35, 40 and 69. Reconsideration in light of the above amendments and following remarks are courteously requested. Claims 1-7, 10-17, 21-35, 39-40, 42-46, 48-54, 58-66 and 69-73 (3 independent and 54 dependent claims) remain pending in the application, with claims 1, 35 and 69 being independent claims. No new matter has been added, and no fee or extension of time is believed to be required by this Response. Should this Application require any fee or extension of time, however, please consider this as a petition for such extension and as authorization to debit Deposit Account No. 50-2091 for any fees as may be required to prevent abandonment of this application.

The Office Action rejects several claims under 35 U.S.C. § 112, noting several typographical errors and other minor linguistic inconsistencies. Without consenting to the rejections, Applicant has addressed each of the issues noted in the Office Action. Applicant respectfully notes that antecedent basis for "the storage queue" recited on line 7 of claim 69 can be found on line 5 of that claim. Reconsideration is requested.

The Office Action rejected all of the prior-pending claims under Sections 102(b) and 103, variously citing United States Patent No. 6,757,712 ("Bastian") alone and in combination with US Patent No. 6,760,757 ("Lundberg"). Applicant respectfully notes that, while these particular patents are newly cited in the present matter, the Bastian and Lundberg disclosures are virtually (if not literally) identical to WIPO Publication No. WO 00/14987 and European Patent Specification EP 0890907B1, respectively, which have been extensively cited in prior office actions. Applicant's remarks in the Responses dated 18 March 2004 and 30 August 2004 regarding the Bastian and Lundberg references are therefore believed to be applicable to the newly-cited art as well. As a result, Applicant respectfully traverses each of the rejections in that the cited references fail to disclose each and every element of the amended claims, even when considered in combination. In particular, no reference discloses at least transferring messages in a queue using each of a plurality of wireless connections in a manner that minimizes the overall cost of operating the e-mail system, as effectively recited in each of the independent claims. Reconsideration is therefore respectfully requested.

Applicant's Response dated 30 August 2004 emphasized that neither Bastian nor Lundberg disclosed the cost minimization features recited in the present Application. In Response, the Office Action cites lines col. 2, lines 24-40 of the Bastian reference, which states in pertinent part:

[T]he selection of the or (sic) each link is dependent upon one or more of: the available of each link; the relative cost of each link; and the relative speed of each link. (emphasis added).

Applicant has reviewed the Bastian disclosure carefully, but has not found another reference to selecting a link based upon cost. The language reproduced above is therefore the *entire disclosure of the Bastian reference with regard to this element*. Importantly, however, this language does not disclose the concept of minimizing the overall cost of the email system. To the contrary, the reference solely relates to consideration of the relative costs of each link. Stated another way, the reference only describes the selection of a single link based upon the cost of the selected link with respect to the other links. It does not disclose or suggest the idea of transferring messages using each of the available links in a manner that minimizes the overall cost of the system, as now recited in each of the independent claims.

The Lundberg reference similarly fails to disclose any aspect of link selection based upon cost, as pointed out in Applicant's previous response. Because neither reference discloses at least this element, the combination of the two similarly fails to anticipate each and every element of the Applicant's claims. While Applicant believes that other aspects of the various claims distinguish over the cited art, such information is cumulative and therefore unnecessary at this time. Applicant nevertheless reserves the right to raise additional issues upon Appeal, or otherwise at a later date.

Conclusion

Based on the above, independent claims 1, 35 and 69 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above, and because each recites features which are patentable in their own right. Applicant therefore submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any questions, comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Respectfully submitted on behalf of assignee

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